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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,533

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James T. Doubet

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EXAMINER

IWARERE, OLUSEYE

ART UNIT

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4127

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/668,533	Applicant(s) DOUBET, JAMES T.	
	Examiner OLUSEYE IWARERE	Art Unit 4127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received on January 23, 2008 has been acknowledged. Newly amended claims 10, 12, 13 and 19 have been entered. The objection to claim 6 has been withdrawn. Therefore, claims 1 - 20 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Curkendall et al. (2003/0177025).

As per claim 1, Curkendall et al. teaches a method of tracking animal transfers with animal passports, the method comprising steps of ([0003]; via a system, computer program product and method for tracking processing events for a meat animal from its conception to its consumption, by using data entry devices):

creating an animal passport to represent a transfer of animals from a transferor to a transferee ([0003]; via using data entry devices that minimize keyboard entry and

multiple interconnected databases such that a particular animal history can provide both quality assurance source verification and performance tracking);

assigning a unique passport identifier to each created animal passport, thereby providing a unique identification of the underlying transfer ([0020]; via it is desirable to automate the identification and data entry in order to reduce expense and to improve accuracy of the data. These devices typically produce either a unique alphanumeric code or a unique decimal code);

and repeating the creating and assigning steps for each subsequent transfer of one or more of the animals ([0022]; via there is a need to provide a means for individual animal identification throughout the production cycle and to minimize the difficulty of data entry throughout the industry), wherein the animal passport created for each subsequent transfer also records the unique passport identifier assigned to each most-recent transfer of those animals ([0020]; via it is desirable to automate the identification and data entry in order to reduce expense and to improve accuracy of the data. These devices typically produce either a unique alphanumeric code or a unique decimal code).

As per claim 2, Curkendall et al. teaches, wherein each of the animal passports is signed by a transferor and transferee who are parties to each transfer, thereby certifying the transfer represented by the signed animal passport ([0140]; via the user may either verify or make changes to his Work Card through "Edit Work Card" from the start menu).

As per claim 3, Curkendall et al. teaches, further comprising the step of recording the animal passports in a repository ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system).

As per claim 4, Curkendall et al. teaches, further comprising the step of using the animal passport identifiers to track locations of the animals ([0130]; via each event can have one or more default details associated with it. For instance, the event "LOCATION" might have three different details such as PEN-1, PEN-2, and NORTH 4000, that can be used to record changes in animals' locations).

As per claim 5, Curkendall et al. teaches, wherein the animal passports reflect a complete lifetime of the animals and are therefore usable to track transfers of the animals throughout their lifetime ([0144]; via the bottom half of the screen shows all events recorded during the animal's lifetime).

As per claim 6, Curkendall et al. teaches, wherein the animal passports reflect a complete lifetime of the animals and are therefore usable to track locations of the animals throughout their lifetime ([0144]; via The bottom half of the screen shows all events recorded during the animal's lifetime).

As per claim 7, Curkendall et al. teaches, wherein the transfers are transfers of ownership ([0395]; via A live animal is uniquely identified with an Animal ID. This Animal

ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

As per claim 8 Curkendall et al. teaches, wherein the transfers are transfers of possession ([0177]; via in some cases, the stocker or cow-calf operator may retain ownership of the calves at the feedlot, so that there is not a sale at that point).

As per claim 9, Curkendall et al. teaches, wherein at least one of the transfers is a transfer of ownership and at least one of the transfers is a transfer of possession ([0395]; via changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

As per Claim 10, Curkendall et al. teaches, wherein the creating and assigning steps are also repeated for subsequent transfers of animal products derived from the animals ([0336]; via regimens allow the user to save a set of events that may be are used repeatedly for a particular group type).

As per Claim 11, Curkendall et al. teaches, wherein the animal passports further specify individual animal identifications of the transferred animals ([0032]; via transfer animal data from one database to another on the same machine or within a network such as the world wide web; transfer animal records from one entity to another; and communicate with other databases for sharing information concerning the livestock).

As per claim 12, Curkendall et al. teaches, wherein additional animals may be included in one or more of the subsequent transfers, and wherein the animal passport created for such subsequent transfers also records the unique passport identifier assigned to each most-recent transfer of those additional animals ([0205]; via although the data collection system can operate manually with visual animal identification, the preferred operation is with Radio Frequency Identification (RFID) transponders 32 in the form of electronic ear tags, implants, boli or neck or leg collars to provide unique identification for each animal).

As per claim 13, Curkendall et al. teaches, wherein animal passports are created for each transfer during a time of the animals and further comprising the steps of:

recording each of the animal passports in a repository, along with a specification of how many animals are represented by each transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

a location of the animals during a timeframe covered by the animal passport, and an identification of one or more transferors and one or more transferees who are parties to each transfer ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership

changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments);

and determining a country of origin for one or more selected ones of the animals using each unique passport identifier associated therewith to determine all locations in which the selected ones have been located throughout their lifetime ([0144]; via the bottom half of the screen shows all events recorded during the animal's lifetime).

As per claim 14, Curkendall et al. teaches, further comprising the step of preparing a country of origin claim using the determined country of origin ([0364]; via these 16 items support the current reporting needs of the IQBSN to track animal origin, genetics and production information).

As per claim 15, Curkendall et al. teaches, wherein animal passports are created for each transfer during a lifetime of the animals and further comprising the steps of ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments):

recording each of the animal passports in a repository, along with a specification of how many animals are represented by each transfer, a location of the animals during a timeframe covered by the animal passport, and an identification of one or more transferors and one or more transferees who are parties to each transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for

different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

using a most-recent unique passport identifier associated therewith to determine all locations in which one or more selected ones of the animals have been located throughout their lifetime ([0012]; via recording beginning, ending, and periodic weight measurements and treatments; and recording vaccinations, movement and ownership changes, and other significant events that have occurred in the animal's life in order to track of the success of treatments as well as to eliminate duplicate treatments);

and verifying a country of origin claim for the selected ones by comparing the determined locations to one or more locations stated in the country of origin claim ([0363]; via these 16 items support the current reporting needs of the IQBSN to track animal origin, genetics and production information).

As per claim 16, Curkendall et al. teaches, a system for uniquely identifying animals transferred groups, the system comprising:

means for associating unique identifier with each transfer of a group of animals ([0205]; via although the data collection system can operate manually with visual animal identification, the preferred operation is with Radio Frequency Identification (RFID) transponders 32 in the form of electronic ear tags, implants, boli or neck or leg collars to provide unique identification for each animal);

means for recording the unique identifiers in a repository ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

along with a specification of how many animals are in the group and an identification of one or more transferors and one or more transferees who are parties to the transfer ([0027]; via at different stages of the production cycle, there are different databases, which exist for different business purposes. The rancher will typically maintain his own database, a stockman will have an inventory system, a feedlot will have a management database, and a packer will have its own inventory and management system);

and means for linking each subsequent transfer of any of the animals to prior transfers by associating a new unique identifier with each such subsequent transfer and specifying an association between the unique identifier of the prior transfer and the new unique identifier of the subsequent transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

As per claim 17, Curkendall et al. teaches, further comprising means for tracing transfers of a subset comprising one or more of the transferred animals by accessing the association between the unique identifier of the prior transfer and the new unique identifier of the subsequent transfer for that subset ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

As per claim 18, Curkendall et al. teaches, a system for identifying groups of animals from birth to death, comprising:

means for associating a unique identifier with animals transferred from an original owner thereof ([0395]; via changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively);

means for associating a different unique identifier with each subsequent transfer of the animals or any subset thereof ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively);

and means for linking, at each subsequent transfer, the different unique identifier with the unique identifier associated with a most-recent transfer of the animals in that subsequent transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

As per claim 19, Curkendall et al. teaches, wherein additional animals are included in one or more of the subsequent transfers, and wherein the unique identifier of the most-recent transfers of those additional animals is also linked with the different unique identifier of the subsequent transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

As per claim 20, Curkendall et al. teaches, a method of tracking transfers with passports, the method comprising steps of:

creating a passport to represent a transfer of one or more entities from a transferor to a transferee ([0158]; via events recorded on each animal will typically be exported to a larger database. The larger database will not only store information on other animals, but will store information on one entity's animals that have been transferred to other entities);

assigning a unique passport identifier to each created passport, thereby providing a unique identification of the underlying transfer ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively);

and repeating the creating and assigning steps for each subsequent transfer of one or more of the transferred entities, wherein the passport created for each subsequent transfer also records the unique passport identifier assigned to each most-recent transfer of those entities ([0395]; via a live animal is uniquely identified with an Animal ID. This Animal ID is common through changes of ownership of the live animal. Changes in ownership of the live animal are recorded as events for both the seller and the buyer where an event detail identifies the buyer and the seller, respectively).

Response to Arguments

5. Applicant's arguments filed January 23, 2008 have been fully considered but they are not persuasive.

Applicant first argues "para. [0003] does not provide any discussion of "a transfer of animals from a transferor to a transferee."

However, Paragraph [0158] also states "The larger database will not only store information on other animals, but will store information on one entity's animals that have been transferred to other entities." Examiner respectfully disagrees.

Applicant argues "para. [0020] does not provide any discussion of "thereby providing a unique identification of the underlying transfer"

However, paragraph [0237] states "an Event is a group of data used to represent a discrete transaction against an animal," which the discrete transaction event is construed as including a transfer. "The event structure allows for any type of data, including binary data, to be attached to an animal or item, and allows for that data to be uniquely identified." Therefore, the Examiner respectfully disagrees.

Applicant argues "para. [0022] discusses individual animal identification. However, individually identifying an animal is not the same as uniquely identifying a transfer of animals, as Applicant has recited on line 3 of Claim 1.

However, paragraph [0237] states “an Event is a group of data used to represent a discrete transaction against an animal,” which the discrete transaction event is construed as including a transfer. “The event structure allows for any type of data, including binary data, to be attached to an animal or item, and allows for that data to be uniquely identified.” Therefore, the Examiner respectfully disagrees.

Applicant argues “para. [0020] and para. [0022] provide no discussion, or suggestion, of Applicant's claimed” ... the animal passport created for each subsequent transfer also records the unique passport identifier assigned to each most-recent transfer of those animals”

However, Curkendall states, [0237] “an Event is a group of data used to represent a discrete transaction against an animal. The event structure allows for any type of data, including binary data, to be attached to an animal or item, and allows for that data to be uniquely identified, classified, time-stamped, audited, and related to other data for that animal or item.” The event is construed as a transfer and the art recites data used to represent a discrete transaction, discrete being defined as different for each event transaction. The time-stamp is construed as a unique identifier assigned to each most-recent transfer of the animals. Therefore, the examiner respectfully disagrees.

Applicant argues “Identifying an individual animal, as discussed in para. [0205], is not the same as Applicant's claimed “associating a unique identifier with each transfer

of a group of animals". By contrast, Curkendall's para. [0205] states that each of these 100 cattle has its own unique identifier.

However, Curkendall states in paragraph [0249] the GroupEvents component permits any event or one or more regimen to be applied to a group of animals. Therefore, the Examiner respectfully disagrees.

Applicant argues "para. [0395] explicitly states, as quoted in the Office Action, an "Animal ID is common through changes of ownership of the live animal" (para, [0395], lines 4 - 6, emphasis added).

However, Curkendall states, [0237] "an Event is a group of data used to represent a discrete transaction against an animal. The event structure allows for any type of data, including binary data, to be attached to an animal or item, and allows for that data to be uniquely identified, classified, time-stamped, audited, and related to other data for that animal or item." The event is construed as a transfer and the art recites data used to represent a discrete transaction, discrete being defined as different for each event transaction. Therefore, the examiner respectfully disagrees.

Applicant argues "para. [0395] explicitly states that an "Animal ID is common through changes of ownership of the live animal" (para, [0395], lines 4 - 6, emphasis added).

This is in sharp contrast to Applicant's claimed approach, which explicitly states that "... associating a different unique identifier with each subsequent transfer of the

animals or any subset thereof ..." (Claim 18, lines 5 - 6, emphasis added) - that is, Applicant's Claim 18 recites that the identifier is different upon each transfer of the animals or any subset thereof, as opposed to Curkendall's identifier that is common through changes of ownership."

However, Curkendall states, [0237] "In this embodiment of an event database, an Event is a group of data used to represent a discrete transaction against an animal. The event structure allows for any type of data, including binary data, to be attached to an animal or item, and allows for that data to be uniquely identified, classified, time-stamped, audited, and related to other data for that animal or item." The event is construed as a transfer and the art recites data used to represent a discrete transaction, discrete being defined as different for each event transaction. Therefore, the examiner respectfully disagrees.

Applicant argues, "As discussed above with regard to independent Claims 16 and 18, para. [0395] explicitly states that an "Animal ID is common through changes of ownership of the live animal" (para, [0395], lines 4 - 6, emphasis added). This is in sharp contrast to Applicant's claimed approach of assigning a ~ passport identifier "... for each subsequent transfer of one or more of the transferred entities ..."

However, Curkendall states, [0237] "an Event 220 is a group of data used to represent a discrete transaction against an animal. The event structure allows for any type of data, including binary data, to be attached to an animal or item, and allows for that data to be uniquely identified, classified, time-stamped, audited, and related to

other data for that animal or item.” The event is construed as a transfer and the art recites data used to represent a discrete transaction, discrete being defined as different for each event transaction. Therefore, the examiner respectfully disagrees.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluseye Iwarere whose telephone number is (571)270-5112. The examiner can normally be reached on Monday to Thursday 7:30am to 5 (EDT).

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Lynda Jasmin can be reached on (571) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/
Primary Examiner, Art Unit 3627

February 11, 2008

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